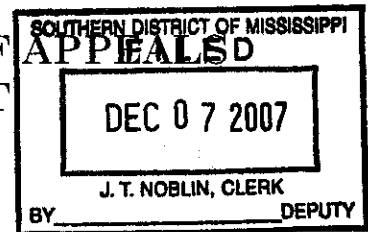


IN THE UNITED STATES COURT OF  
FOR THE FIFTH CIRCUIT

\_\_\_\_\_  
No. 07-60759  
\_\_\_\_\_



U.S. COURT OF APPEALS  
**FILED**

DEC 04 2007

IN RE: STONEY FRANK STEWART

\_\_\_\_\_  
Movant

CHARLES R. FULBRUGE III  
CLERK

\_\_\_\_\_  
Motion for an order authorizing  
the United States District Court for the Southern  
District of Mississippi to consider  
a successive 28 U.S.C. § 2254 application  
\_\_\_\_\_

Before KING, BARKSDALE, and DENNIS, Circuit Judges.

PER CURIAM:

Stoney Frank Stewart, Mississippi prisoner # K6687, has moved this court for leave to file a second or successive application for federal habeas corpus relief under 28 U.S.C. § 2254. Stewart argues in this motion that he was indicted for burglary of a building other than a dwelling but was convicted of burglary of a church. His proposed claim does not meet the criteria set forth in 28 U.S.C. § 2244(b)(2) and would be subject to dismissal under § 2244(b)(1) because it was presented in a prior § 2254 application. Accordingly, IT IS ORDERED that Stewart's motion for leave to file a second or successive § 2254 application is DENIED.

A true copy  
Attest:

Clerk, U. S. Court of Appeals, Fifth Circuit

Deputy

W. J. [illegible]

DEC 04 2007